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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,275	07/09/2001	Arnd Krusche	282845US8X	7558
22850 7590 02/02/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/901,275

Applicant(s)

KRUSCHE ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 11/17/2006 under 37 CFR 1.53(d) based on parent Application No. 09/901,275 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 11/17/2006, submitted with the filing of the RCE have been received and entered. The applicant has cancelled claims 1-47 and added new claims 48-62. Claims 48-62 as amended are pending in the application.

Claim Objections

3. Claims 56-61 are objected to because of the following informalities: Claims 56-61 recite "the method according to...", however, the independent claim upon which claims 56-61 depend from recites "A man-machine interface" instead of a method. For prosecution purposes, the examiner assumes that this is a typographical error and that "The method" recited in claims 56-61 is meant to be recited as --The man-machine interface --. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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4. Claims 55-61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 55 recites an interface comprising “means” for performing functions, however, the recited “means” can be software, i.e. program code. The claimed features and elements of claim 55 do not include hardware components or features that are necessarily implemented in hardware. The “interface” appears directed to software, per se, lacking any hardware to enable any functionality to be realized. Therefore, the claimed features of claim 55 is actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible. That is, the scope of the presently claimed interface can include, for example, a piece of paper on which a program is written. Any amendment to the claim should be commensurate with its corresponding disclosure. Claims 56-61 are rejected for similar reasons.

5. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claim 62 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “tangible storage medium”, on line 1 of claim 62 is not positively recited in the specification of the present application. The specification states, on lines 4-6 of page 7, “...storage device like a memory stick.” However, the cited passage merely indicates examples of storage devices, but does not provide a definition of what constitutes a “tangible” storage medium. Without a standard or definition of what is considered “tangible” storage medium, it is unclear what storage mediums are considered tangible and what storage mediums are not considered tangible. Therefore, there is no positively recited basis for “a tangible storage medium”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48-49, 51-56 and 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft® Windows (hereinafter “Windows”), copyright 1998 (Screenshot 1) and Myer et al. U.S. Patent 6,615,088 (hereinafter “Myer”).

Referring to claims 48, 55 and 62, Windows teaches a method, man-machine interface and computer program comprising generating icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal and menus including the functions which are operable with the associated network devices (Screenshot 2 shows the display of a plurality of icons representing devices that are connected and available to the computer network, for example, an Audio CD player that is capable of reproducing/playing audio CDs); at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the network (the icons representing the devices are shown in a hierarchical tree display in Screenshot 2; each of the devices have a menu of available functions associated with it, as shown in Screenshot 3, that can be shown by right-clicking on the device icon); receiving a selection of a network device by a user selecting one of the displayed icons (for example, selection of the Audio CD device icon, as shown in Screenshots 3 and 4); selectively displaying the menu of a selected network device, the menu including the functions which are operable with the selected network device (a menu of available functions such as "Play" are displayed upon user selection via right-clicking the corresponding device icon, as shown in Screenshots 3 and 4); receiving a selection of a function in the selectively displayed menu (users can select any of the functions displayed in the menu shown in Screenshot 3, such as the "Play" function); and controlling the network device to execute the selected function (the network device, i.e. CD player will execute the function of the playing the CD upon selection of the "Play" function in the menu shown in Screenshot 3), wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the

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selected network device via the network (upon user selection of the "Play" function, the selected network device of the Audio CD player will play the data stream, i.e. a particular track selected on the providing network device, i.e. the computer, as shown in Screenshots 6-8). However, although Windows teaches devices connected to a network, Windows fails to explicitly teach that the devices connected to a network are home devices connected to a home network. Myer teaches an interface for a plurality of devices connected to a network (Myer: column 3, lines 1-38 and Figure 6D) similar to that of Windows. In addition, Myer further teaches the devices connected to a network are home devices connected to a home network (users can monitor and control various devices in her home environment, such as non-computer home devices including air conditioning, video equipment, audio equipment, etc.) (Myer: column 3, lines 1-38, column 4, lines 28-50 and Figures 6A-6F and 7A-7C), and wherein execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network (the selected devices, i.e. appliances such as the CD player or VCR receives instructions sent from the providing network device, i.e. the master controller via the network to act according to the input commands from the user; the received instructions includes instructing the TV to turn on to a particular channel broadcasting a specific video signal, i.e. program) (Myer: column 4, lines 28-50 and column 5, lines 23-26). It would have been obvious to one of ordinary skill in the art, having the teachings of Windows and Myer before him at the time the invention was made, to modify the interface for displaying a hierarchical view of devices connected to a network of Windows to include the interface for displaying and monitoring home devices connected to a home network taught by Myer, in order to obtain an interface that displays a hierarchical view of

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home devices connected to a home network. One would have been motivated to make such a combination in order to allow users to easily monitor and control aspects of his or own home remotely; for example, this combination allows users to monitor and ensure that security in her home has not been breached from anywhere in the world.

Referring to claims 49 and 56, Windows, as modified, teach wherein the network devices include all compatible devices that are connected to the home network (the Microsoft Windows Explorer display shown in Screenshot 2 shows all of the devices, software and functions currently associated with, connected to, and therefore compatible with the computer system).

Referring to claims 51 and 58, Windows, as modified, teach the hierarchical view is organized according to the kind of sub-networks connected to the network (the sub-networks are grouped according to the kind of devices within it; for example, the hierarchical view of the network "My Computer" contains the separate sub-networks of "3½ Floppy (A:)", "(C:)", "Removable Disk (D:)" etc., as shown in Screenshot 2).

Referring to claims 52 and 59, Windows, as modified, teach wherein the selected function in the displayed menu is a "send to" function (the seventh function down on the menu shown in Screenshot 3 shows the availability of a "send to" function).

Referring to claims 53 and 60, Windows, as modified, teach selecting a providing network device (Windows teaches that the computer that the CD player, printer, etc. are connected to is selected as the host for the connected device, i.e. is the providing network device; furthermore, Myer teaches that there is a master controller, selected as the host, i.e. providing network device, for the connected home devices/appliances).

Referring to claims 54 and 61, Windows teaches selecting an audio/video signal stored on the selected providing network device (the user selects an audio/video signal on the master controller by inputting a command to be followed by one of the connected appliances, such as inputting an audio/music or video/TV/VCR command on the master controller to be sent to and executed by the CD player or television/VCR device) (Myer: column 3, lines 22-54 and column 4, lines 27-50).

8. Claims 50 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft® Windows (hereinafter “Windows”), copyright 1998 (Screenshot 1) and Myer et al. U.S. Patent 6,615,088 (hereinafter “Myer”), as applied to claims 48 and 55 above, and Battat et al. U.S. Patent 5,958,012 (hereinafter “Battat”).

Referring to claims 50 and 57, Windows and Myer teach all of the limitations as applied to claims 48 and 55 above. Specifically, Windows and Myer teach one or more sub-networks integrated into the network, where the hierarchical view is representative of the sub-networks, and respective representations of the sub-networks are of higher hierarchical order than devices and multimedia services thereof (Screenshot 2 shows the hierarchical display of sub-networks within the network, such as sub-networks “C:” and “Removable Disk (D:)” under the network “My Computer”; furthermore, the above mentioned sub-networks of “C:” and “Removable Disk (D:)” are higher in the hierarchical display than multimedia devices and services such as “Audio CD (E:)” and “Printers”). However, Windows and Myer fail to explicitly teach the use of a bridge to integrate the sub-networks into the network. Battat teaches a user interface that provides a visualization and management of connected components of a computer network in a

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tree-like structure (Battat: column 4, lines 47-59, column 16, lines 46-50 and Figure 10B) similar to that of Windows and Myer. In addition, Battat further teaches integrating sub-networks and various components of the network via bridges (Battat: column 18, lines 52-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Windows, Myer and Battat before him at the time the invention was made, to modify the interface for displaying information relating to a network of Windows and Myer to include the integration of network components via the use of communication devices such as bridges, taught by Battat. One would have been motivated to make such a combination in order to have the versatility to be able to integrate various kinds of networks, provided by communication devices such as bridges, which facilitate the interconnection of numerous different types of networks; for example, PC computers can be connected to home appliances such as a VCR and also to an electronic device such as a Walkman.

Response to Arguments

9. Applicant's arguments with respect to the Alimpich reference have been considered but are moot.

10. Applicant's arguments filed 11/17/2006 regarding the Windows and Myer references have been fully considered but they are not persuasive:

The applicant argues that Windows shows a device like an Audio CD, but it is not a network device. The examiner respectfully disagrees. Windows teaches that there are a plurality of devices that are connected to the computer, such as a CD player, a printer, etc. (Screenshot 2);

these connected devices together form a computer network with the operating system of the computer and are controlled by the operating system of the computer.

Furthermore, the applicant argues that Windows fails to teach the limitations of receiving a selection of a function in the selectively displayed menu and controlling the network device to execute the selected function, where the execution of the selected function results in a data stream of an audio video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network and that Myers fails to teach receiving a selection of a network device by a user selecting one of the displayed icons, selectively displaying the menu of a selected network device, the menu including the functions which are operable with the selected network device, receiving a selection of a function in the selectively displayed menu and controlling the network device to execute the selected function, where the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner respectfully argues that the combination of Windows and Myer teaches the subject limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



Kieu D. Vu
Primary Examiner